

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

CHERYL ROBBINS BERG, as Litigation
Guardian ad Litem for C.K.M.,

Plaintiff,

vs.

BETHEL SCHOOL DISTRICT,

Defendant.

NO. 3:18-CV-05345-BHS

[PLAINTIFF'S PROPOSED] JURY
VERDICT FORM

We, the Jury, answer the questions submitted by the Court as follows

Question 1

Question 1. Did the Defendant Bethel School District violate Cheyenne Kohl Merritt's constitutional rights to equal protection under the Fourteenth Amendment by failing to enforce the District's sexual harassment policy due to her mental disability?

____ Yes

____ No

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If you answered yes to Question 1, go to Question 1a. If you answered no, go directly to Question 2.

Question 1a. What do you find to be the amount of Cheyenne Kohl Merritt's damages caused by the Defendant Bethel School District's violation of Cheyenne Kohl Merritt's constitutional rights to equal protection under the Fourteenth Amendment by failing to enforce the District's sexual harassment policy due to her mental disability?

Question 2

Question 2. Did the Defendant Bethel School District violate Cheyenne Kohl Merritt's constitutional rights to her own bodily integrity under the Fourteenth Amendment by failing to report David Mathis's ongoing sexual abuse and harassment under Washington State's mandatory reporter law and the District's Mandatory Reporter policy?

____ Yes

____ No

If you answered yes to Question 2, go to Question 2a. If you answered no, go directly to Question 3.

Question 2a. What do you find to be the amount of Cheyenne Kohl Merritt's damages caused by the defendant Bethel School District's violation of Cheyenne Kohl Merritt's constitutional rights to her own bodily integrity under the Fourteenth Amendment by failing to report David Mathis's ongoing sexual abuse and harassment under Washington State's mandatory reporter law and the District's Mandatory Reporter policy?

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Question 3

Question 3. Did the Bethel District violate Title IX by failing to stop the known harassment of Cheyenne Kohl Merritt by David Mathis?

☐ Yes

☐ No

If you answered yes to Question 3, go to Question 3a. If you answered no, go directly to Question 4.

Question 3a. What do you find to be the amount of Cheyenne Kohl Merritt's damages caused by the defendant Bethel School District's violation of Title IX by failing to stop the known sexual harassment of Cheyenne Kohl Merritt by David Mathis?

Question 4

Question 4. Did the Defendant Bethel School District violate Washington's Law Against Discrimination by treating special education student Cheyenne Kohl Merritt differently because of her mental disability than the district treated typically functioning students?

☐ Yes

☐ No

If you answered yes to Question 4, go to Question 4a. If you answered no, go directly to Question 5.

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Question 4a. What do you find to be the amount of Cheyenne Kohl Merritt's damages caused by the defendant Bethel School District's violation of Washington's Law Against Discrimination?

Question 5

Question 5. Was the Defendant Bethel School District negligent in failing to protect student Cheyenne Kohl Merritt from David Mathis?

_____ Yes

_____ No

If you answered yes to Question 5, go to Question 5a. If you answered no, date and sign the jury verdict form.

Question 5a. What do you find to be the amount of Cheyenne Kohl Merritt's damages caused by the defendant's negligence?

Date and sign the form and advise the Court that you have reached a verdict.

DATED this _____ day of October, 2021.

Presiding Juror

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CERTIFICATE OF SERVICE

I, Loren A. Cochran, hereby declare under penalty of perjury under the laws of the United States of America that I am employed at Cochran Douglas, PLLC and that on today's date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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Attorneys for Defendants

DATED this 13th day of October, 2021.

/s/ Loren A. Cochran
Loren A. Cochran

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